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House Meets at 9:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 2122—Mandatory Gun Show Background Check Act



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Floor Situation: The House is scheduled to complete consideration of H.R. 2122 as its first order of business today. Yesterday, the House completed general debate on each measure and began considering amendments under a structured rule. Under the rule, eight amendments remain to be considered, each debatable in the order listed and for the amount of time specified below (the chairman of the Committee of the Whole, however, may recognize amendments out of order beginning one hour after the chairman of the Judiciary Committee requests to do so). The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. The rule provides one motion to recommit, with or without instructions. Finally, the rule requires that, upon passage of H.R. 2122, the measure be incorporated into the text of H.R. 1501.

Summary: H.R. 2122, as modified by the **Dingell** amendment (which passed the House yesterday by a vote of 218-211), prohibits the transfer or receipt of a firearm at a gun show before a background check of the buyer's criminal history is conducted (the bill defines a gun show as an event at which there are at least 50 guns and 10 vendors). The background check must be conducted through the National Instant Check System currently used by gun dealers at their place of business. The bill authorizes both licensed dealers and instant check registrants to conduct the checks. If the instant check system indicates a delay, gun show vendors, before transferring the firearm, must wait until they receive notice that the buyer has no criminal background or 24 hours from the initiation of the background check. The penalty for failing to conduct background checks will be up to three years in prison for the first offense and five years for subsequent convictions. The measure requires gun show organizers to register with the Treasury Secretary and to collect and retain information identifying every vendor selling firearms at the show.

In addition, the bill requires the FBI to give priority to background checks on transactions originating from gun shows. The measure establishes that a gun show "sale" has taken place when the buyer has "accepted"

an offer. In order to deter theft of inventory deliveries, the amendment allows federally-licensed firearms dealers to trade inventory at gun shows. Finally, the bill mandates an additional prison penalty of 10 years—that is, in addition to the underlying sentence for using a firearm in a crime—for crimes in which large-capacity ammunition magazines are used.

The bill also prohibits the federal government from charging a fee in connection with a background check for prospective gun buyers (the FBI has proposed that a fee of about \$15 be charged to those who conduct background checks in order to support the costs of maintaining the system). In addition, the measure requires the instant check system to destroy certain information relating to gun buyers who were found to have no criminal background. Finally, the bill authorizes a federal civil cause of action for any such individual whose instant check record is not destroyed. H.R. 2122 was introduced by Mr. Hyde and Mr. McCollum and was not considered by a House committee.

Views: The Republican leadership has taken no official position on the bill. An official Clinton Administration view was unavailable at press time; however, the president has indicated support for expanding federal regulation of gun shows.

Amendments: As stated above, a total of eight amendments remain to be considered, debatable in the order listed and for the amount of time specified below. At the close of business yesterday, the House had completed debate, but not voted on, the following amendment for which a recorded vote was rolled until today:

- * an amendment by **Mr. Hyde and Mr. McCollum** to prohibit juveniles under the age of 18 from possessing semiautomatic assault weapons. *Staff Contact: Judiciary Committee, x5-3951*

Mr. Davis (VA) will offer an amendment, debatable for 30 minutes, to mandate that a licensed manufacturer, importer, or dealer include a secure gun storage or safety device—such as a “trigger lock”—with the transfer or sale of a handgun. Under the amendment, the penalty for not including such a device will be a fine of up to \$2,500 and/or six-month license suspension. Finally, the amendment stipulates that, in the event that a firearm is obtained without the permission of the owner, a civil liability action may not be brought against the owner if a gun storage or safety device was used. *Staff Contact: Barnaby Harkins, x5-1492*

Messrs. Cunningham, Gekas, Traficant, and Rogan will offer an amendment, debatable for 20 minutes, to allow qualified current and retired law enforcement officers to carry a concealed weapon. The law enforcement personnel must (1) be employed by a public agency; (2) be authorized by that agency to carry a firearm while on duty; (3) not be subject to disciplinary action; and (4) carry appropriate federal or state identification. *Staff Contact: Tim Charters (Cunningham), x5-5453*

Mr. Sessions and Mr. Frost will offer an amendment, debatable for 10 minutes, to mandate that guns pawned for more than a year may not be returned to the owner until he or she passes a check by the National Instant Check System. *Staff Contact: Jeff Koch (Sessions), x5-2231*

Mr. Goode will offer an amendment, debatable for 10 minutes, to repeal D.C. Law 1-85, a 1976 law that prohibits D.C. residents from possessing a firearm. *Staff Contact: Tom Hance, x5-4711*

Mr. Hunter will offer an amendment, debatable for 10 minutes, to allow citizens in the District of Columbia with no criminal history to possess a loaded handgun in their home for purposes of home and family protection. **Staff Contact: Lorissa Bounds, x5-5672**

Mr. Rogan will offer an amendment, debatable for 20 minutes, to prohibit juveniles who have committed “violent acts of juvenile delinquency” from possessing firearms as adults. **Staff Contact: Patrick Sullivan, x5-4176**

Mr. Conyers will offer an amendment in the nature of a substitute, debatable for 30 minutes, to require “Brady” three-business day background checks for all non-licensed persons who purchase firearms at gun shows (the substitute establishes a penalty of up to five years imprisonment and/or a fine for violating the background check requirement); and requires that records of all gun show transactions be kept in order to allow law enforcement authorities to trace the origin of such transactions. The substitute defines “gun show” as any event at which (1) at least 20 percent of the exhibitors display firearms; (2) there are at least 10 firearm exhibitors; or (3) 50 or more firearms are offered for sale, transfer, or exchange.

The substitute also:

- * prohibits juveniles who have been convicted of serious drug offenses or violent felonies from possessing firearms as adults;
- * eliminates probation as a mandatory sentence for juveniles;
- * increases the penalty from one to five years imprisonment for transferring handguns, handgun ammunition, semiautomatic assault weapons, or large capacity ammunition feeding devices to a person whom the transferor knows, or has reasonable cause to know, is under age 18;
- * prohibits juveniles from possessing handguns, semiautomatic assault weapons, and large capacity ammunition feeding devices;
- * bans the importation of large capacity ammunition feeding devices that were manufactured before 1994; and
- * prohibits the sale, delivery, or transfer of a handgun by a licensee (manufacturer, importer, or dealer) unless the transferee was provided with a secure gun storage or safety device. The amendment establishes a penalty for violating this requirement of a \$2,500 fine and/or six-month license suspension. **Staff Contact: Judiciary Committee (Minority Staff), x5-6906**

Additional Information: See *Legislative Digest*, Vol. XXVIII, #17, Pt. III, June 14, 1999.

